

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25152)
to Appropriate from an Unnamed Spring)

DON AND ROBERTA L. RICHMOND,)

Applicants)

IRVING AND WILMA KRAUSS, ET AL.)

Protestants)

Decision: 1509

Source: Unnamed Spring

County: Alpine

DECISION APPROVING APPLICATION

BY THE BOARD:

Don and Roberta L. Richmond having filed Application 25152 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the Board having considered all available information finds as follows:

Substance of the Application

1. Application 25152 is for a permit to appropriate 300 gallons per day (gpd) by direct diversion from May 1 to November 1 of each year for domestic purposes from an unnamed spring in Alpine County. The point of diversion is located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, T11N, R19E, MDB&M.

Applicant's Project

2. The applicants propose to tap the existing pipeline of the Sorensen's Subdivision Homeowners, Inc., which transports water from the unnamed spring to serve about 20 lots. Applicant plans to install 60 feet of pipeline from the junction with the existing line, under a road and onto their property. Water is to be used for domestic purposes at a summer residence which is to be constructed as soon as Application 25152 is approved. Correspondence indicates that county requirements have been complied with.

Protests

3. Application 25152 was protested by Irving and Wilma Krauss, Clifford Ralph, Marvin Sorensen and Federick Barnett, based on potential injury to their vested rights and on environmental grounds. When the applicants reduced the quantity requested from 4,330 gpd to 300 gpd all of the protestants except Krauss withdrew their protests. Protestants Krauss hold licensed Applications 10480 (25 gpd) and 11568 (175 gpd). They claim that there is an insufficient supply to meet their needs and to supply the quantity requested in Application 25152. They did not protest three subsequent applications for 300 gpd or another subsequent application for 8,000 gpd for service to the entire subdivision.

Availability of Unappropriated Water

4. Those present at the investigation who are familiar with the spring, stated that the flow of the spring remains fairly constant throughout the year. At the time of the investigation the spring output was measured and found to be about 11,000 gpd, of which the existing pipeline was diverting 2,880 gpd, leaving about 8,120 gpd available for use. At that same time, Protestants Krauss claimed the supply was inadequate. It is found that protestants' problem is not the supply but their conveyance system serving Krauss.

Environmental Considerations

5. Protestant Krauss alleged that applicants' septic tank would contaminate their well. However, applicants have obtained a septic tank permit from Alpine County, over the objection of Krauss. This Board decision authorizes diversion of a small quantity of water through an existing diversion works

for domestic purposes. Such project involves only minor alterations in the condition of land, water and/or vegetation which do not result in significant loss of mature natural vegetation. The project is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15104. Chapter 3, Title 14, California Administrative Code.

Other Considerations

6. Four subsequent applications for diversions from the same spring have been cleared for issuance of permits.

7. Applicant will obtain water through either an existing pipeline or a new pipeline operated by the Sorensen's Subdivision Homeowners, Inc., and his use of such pipelines should be only with the permission of the organization.

8. The records, documents, and other data relied upon in determining this matter are:

(a) The files of Applications 10480, 11568, 11711, 11911, 12749, 15350, 15681, 15956, 17119, 17766, 18682, 19584, 25152, 25291, 25306, 25345 and 25420, and all relevant information on file therewith, particularly the Engineering Staff Analysis of the Record dated October 20, 1978.

(b) Topographic maps published by the U. S. Geological Survey covering the area under consideration.

Conclusions

From the foregoing findings, the Board concludes that unappropriated water is available and that Application 25152 should be approved.

ORDER

IT IS HEREBY ORDERED that Application 25152 be approved and that a permit be issued to the applicants subject to vested rights. The permit shall contain all applicable standard permit terms (5a, 6, 8, 9, 10, 11, 12 and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 300 gallons per day to be diverted from May 1 to November 1 of each year.

2. The project shall be completed and complete application of the water to the proposed use shall be made on or before December 1, 1983.

3. This permit shall not be construed as conferring upon the permittees right of access to the point of diversion nor use of any pipeline operated by the Sorensen's Subdivision Homeowners, Inc., without its permission.

4. Permittee is hereby put on notice that, because this permit is junior in priority to all other water rights in the West Fork Carson and Carson River Basins, including those of the United States, existing as of September 17, 1976 (the date of filing of Application 25152), the water available might be less than the full amount stated herein if the allocation of the water of the Carson River Basin of California under a California-Nevada Compact or under a decree of a court of competent jurisdiction is inadequate to satisfy all rights of senior priority in California.

* The Board maintains a list of standard permit terms. Copies of these are available upon request.

Dated: JUNE 21, 1979

/S/ W. DON MAUGHAN

W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER

William J. Miller, Member

/S/ L. L. MITCHELL

L. L. Mitchell, Member

/S/ CARLA M. BARD

Carla M. Bard, Member

